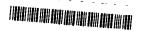
IN THE UNITED STATES PATENT & TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Application Serial No. 76/362,977 Published in the Official Gazette of June 3, 2003 on page TM 441

International Class: 030 Filed: January 24, 2002

Mark: ALPINE CONFECTIONS



12-08-2003

U.S. Patent & TMOfc/TM Mail Ropt Dt. #22

WORLD CONFECTIONS, INC.

Opposer,

Applicant.

vs.

KENCRAFT, INC.

Opposition No. 91158237

APPLICANT'S ANSWER
AND AFFIRMATIVE DEFENSES

Kencraft, Inc., Applicant, answers the Notice of Opposition as follows:

- 1. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.
- 2. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.
- 3. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.
- 4. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.
- 5. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.

7.4.

- 6. Applicant admits that Opposer filed Trademark Application Serial No. 76/365845 February 1, 2002 in Int'l Class 030. Applicant admits having filed Trademark Application Serial No. 76/362977 on January 24, 2002 now pending in Int'l Class 030. As to all other allegations, Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.
- 7. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.
- 8. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.
- 9. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.
- 10. As to the first clause, Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies. As to the second clause, Applicant admits.
- 11. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.
- 12. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.
- 13. Applicant lacks sufficient information so as to be able to answer, therefore Applicant denies.

AFFIRMATIVE DEFENSES

The Opposer's claims fail to state a claim upon which relief may be granted.

The Opposer's claims should be denied on the principle of unclean hands.

The Opposer's claims should be denied because Opposer failed for the relevant period of time to use the ALPINE CONFECTIONS mark resulting in abandonment of the mark. Any attempts of Opposer to revive its abandoned mark must result in Opposer being junior in use to Applicant's January 24, 2002 application.

DATED this 54 day of December, 2003.

KIRTON & McCONKIE

By:

Todd E. Zenger, Reg. No. 33,610 Michael F. Krieger, Reg. No. 35,232 KIRTON & McCONKIE 1800 Eagle Gate Tower 60 East South Temple Salt Lake City, Utah 84111

Phone: (801) 328-3600 Fax: (801) 31-4893

Attorney for Applicant Kencraft, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 6 day of December, 2003, a true and correct copy of the foregoing APPLICANT'S ANSWER AND AFFIRMATIVE DEFENSES was served on the following counsel, by United States mail, postage prepaid, in an envelope addressed as follows:

Stephen L. Baker BAKER & RANNELLS, PA 626 North Thompson Street Raritan, New Jersey 08869

Magant Jack

TTAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER (GENERAL) (With Certificate of Mailing by First Class Mail)

Applicant/Registra	trant	aistra	Rε	nt	lica	laa	Α
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Kencraft, Inc.

Docket No.

Serial No.:

76/362,977

8598.131

Registration No.:

Trademark:

ALPINE CONFECTIONS

TO THE COMMISSIONER FOR TRADEMARKS:

Transmitted herewith is the following:

Opposition No: 91158237

Applicant's Answers and Affirmative Defenses (3 pgs); and

postcard

12-08-2003

U.S. Patent & TMOfc/TM Mall Rcpt Dt. #22

☐ Please charge Deposit Account No.

in the amount of

A check in the amount of

is attached.

Any excess or insufficiency should be credited or debited to Deposit Account No.

Signature

Sianature

Dated: December 5, 2003

on Dec. 5 2003

Todd E. Zenger Attorney for Applicant Registration No. 33,610 KIRTON & McCONKIE 1800 Eagle Gate Tower 60 East South Temple Salt Lake City, Utah 84111 (801) 328-3600

Arlington, Virginia 22202-3514.

Signature of Person Mailing Correspondence

I certify that this document and fee is being deposited

first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive,

with the U.S. Postal Service as

. . . .

Margaret Carlson

CC:

Typed or Printed Name of Person Mailing Correspondence